IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 2482 of 2007(U)

PETITIONERS:

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1. KAKARAYIL BALAKRISHNAN, AGED 49 YEARS,
   KAKARAYIL KELAPPAN, KAKARAYIL HOUSE,
   CHIRAKKAL AMSOM, CHIRAKKAL AMSOM, PUZHTHI DESOM,
   BUSINESS, ROOM NO.11, CHIRAKKAL GRAMA
   PANCHAYATH SHOPPING COMPLEX
   PUTHIYA THERU, KANNUR DISTRICT.

2. A. MUSTAFA, AGED 44 YEARS,
   S/O.K.P. MAMMU, SUHAIL MANZIL,
   KOLARTHICKAL NEAR JUMA MASJID
   POST KATTAMPALLY, BUSINESS, ROOM NO.9,
   CHIRAKKAL GRAMA PANCHAYATH SHOPPING COMPLEX,
   PUTHIYA THERU, KANNUR DISTRICT.

3. K. MAMMUHAJI, S/O.ABDULLLA,
   CHIRAKKAL AMSOM, P.O.CHIRAKKAL, KUNNUKKAI,
   BUSINESS, ROOM NO.G.F.12, CHIRAKKAL GRAMA
   PANCHAYATH SHOPPING COMPLEX,
   PUTHIYA THERU, KANNUR DISTRICT.

4. P.PL.MUHAMMED, S/O.KHADER,
   CHIRAKKAL AMSOM, PANANKAVU, P.O.CHIRAKKAL,
   BUSINESS, ROOM NO.G.F.24,
   CHIRAKKAL GRAMA PANCHAYATH SHOPPING COMPLEX,
   PUTHIYA THERU, KANNUR DISTRICT.

5. P.P. SYNUDDIN, S/O.KHADER,
   CHIRAKKAL AMSOM, PANANKAVU, P.O. CHIRAKKAL,
   BUSINESS, ROOM NO.G.P.18, CHIRAKKAL GRAMA
   PANCHAYATH SHOPPING COMPOLEX,
   PUTHIYA THERU, KANNUR DISTRICT.

6. V.K. IBRAHIM KUTTY, S/O.USMAN,
   CHIRAKKAL AMSOM, P.O.CHIRAKKAL,
   BUSINESS, ROOM NO.G.F.6, CHIRAKKAL GRAMA
   PANACHAYATH SHOPPING COMPLEX
   PUTHIYATHERU, KANNUR DISTRICT.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.P.K.BEENA

WPC : 2482/2007

RESPONDENT:

THE CHIRAKKAL GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY
CHIRACKAL GRAMA PANCHCAYATH
KANNUR DISTRICT.

BY ADV. SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 2482 OF 2007

Dated this the 24th day of January, 2007

JUDGMENT

Even though very persuasive submissions were addressed before me by Sri.Sunil Nair, Palakkat, counsel for the petitioners, I do not find any warrant for interfering with Ext.P15 order of the Tribunal for Local Self Government Institutions.

2. Having regard to the narrowness of this Court's jurisdiction for judicial review on the orders passed by Courts and judicial Tribunals, this Court cannot interfere with the Tribunal's order. My attention was drawn by the learned Standing Counsel for the Panchayat to two decisions of this Court namely **Soman v. Kottarakkara Grama Panchayat** [2003(2) KLT 1007] and **Marykutty George v. State of Kerala** [2005(2) KLT 515]. The ratio which emerges from both these cases is that a licencee or a tenant of a Panchayat cannot aspire for continuance after the expiry of the lease/licence period. One of the reasons on which the Panchayat wanted the petitioners to quit immediately was that the physical condition of the buildings in question was dilapidated as reported to them by the Assistant Executive Engineer in Ext.P14. The learned Tribunal has noticed in Ext.P15 that notwithstanding the challenge against Ext.P14 the petitioners did not

adduce any evidence for discharging their burden to show that Ext.P14 was not a correct one. It was open to the petitioners to have applied for issuance of a Commission for inspection of the building before the Tribunal. The learned counsel for the petitioners would submit that even during the pendency of the case before the Tribunal, the period of lease/licence was extended to 31.3.07 which according to the learned counsel for the Panchayat is a circumstance which will show the Panchayat's case that the building is not in a good condition, in incorrect. I cannot agree with the submission of the learned counsel for the Panchayat. The Panchayat naturally had to wait for the decision of the Tribunal and till then wanted a document to govern the rent liability of the petitioner.

The Writ Petition will stand dismissed. However, in view of the circumstance that the licence period has been extended up to 31.3.07, there will be a direction that steps will not be taken by the Panchayat for compelling eviction of the petitioners from the rooms in question till 31.03.2007.

PIUS C. KURIAKOSE, JUDGE

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